

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CORY BRADLEY,)
)
Petitioner,)
)
v.) No. 4:11CV1142 NAB
)
ST. LOUIS COUNTY MUNICIPAL)
COURTS,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner seeks to overturn a 2004 municipal court conviction for "interfering with an officer." Petitioner is imprisoned at the Forrest City Medium Federal Correctional Institution in Forrest City, Arkansas, and it appears that he is currently serving a federal sentence for charges unrelated to said conviction.

District courts have jurisdiction to entertain petitions for habeas relief only from persons who are "*in custody* in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3) (emphasis added). The custody requirement is fulfilled when a petitioner is in custody "under the conviction or sentence under attack at the time his petition is filed." Maleng v. Cook, 490 U.S. 488, 490-91 (1989). Petitioner is not currently in custody under the conviction he wishes to attack. As a

result, petitioner is not “in custody” for the purposes of § 2241(c)(3), and the Court lacks jurisdiction to grant relief. The Court will, therefore, dismiss the petition without further proceedings. See Fed. R. Civ. P. 12(h)(3); Rule 4 of the Rules Governing § 2254 Cases.

Accordingly,

IT IS HEREBY ORDERED that petitioner’s motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff’s motion to amend his petition [Doc. #3] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner’s petition for habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED**.

Dated this 20th day of July, 2011.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE